

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

IMELDA AMBRIZ,

Defendant.

4:23-CR-3020

ORDER

The defendant has filed a motion ([filing 44](#)) to reconsider the denial ([filing 43](#)) of her previous motion ([filing 39](#)) to reduce her sentence. That motion will be denied. The defendant's presentence report assessed two criminal history points based on two California convictions for driving on a suspended license, so she was not a "zero point" offender entitled to the retroactive benefit of U.S.S.G. § Amend. 821. Nor was the defendant denied due process because she wasn't provided with filings—counsel was appointed to represent her, *see* [filing 40](#), and counsel was provided with notice. *See* [Fed. R. Crim. P. 49\(a\)\(2\)](#); *cf. Irwin v. Dep't of Veterans Affairs*, 498 U.S. 89, 92-93 (1990).

The defendant has separately moved to have her iPhone returned to her. [Filing 45](#). The Court will ask the government to respond to that motion.

IT IS ORDERED:

1. The defendant's motion to reconsider ([filing 44](#)) is denied.
2. The government shall respond to the defendant's motion for return of property ([filing 45](#)) on or before April 24, 2024.

Dated this 25th day of March, 2024.

BY THE COURT:



John M. Gerrard  
Senior United States District Judge